

## REMARKS/ARGUMENTS

Claims 90-120 and 122-142 remain in the application for further prosecution. Claims 90, 98, 110, 124, 128, 131-133, 137 and 139 have been amended.

The Applicant thanks the Examiner for allowance of claims 106-109.

### § 102 Rejections

Claims 90-97 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,577,911 to Garfinkel (“Garfinkel”).

Claims 116-120 and 122-126 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,832,683 to Idemoto et al. (“Idemoto”).

Claims 131-133 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,139,320 to Hahn (“Hahn”).

### § 103 Rejections

Claims 98-100, 102, 103, 110-115 and 137-142 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hahn.

Claims 101, 104 and 105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hahn in view of Idemoto.

Claims 127-130 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Idemoto.

### The Present Invention v. The Prior Art

The present invention is concerned with a method and set of tools for developing a bore in living bone tissue (not a natural tooth). The bore receives an implant that engages the bone tissue and osseointegrates (*i.e.*, integrates with the bone tissue). See specification, page 7. In fact, the

driving mechanism that holds the tool that creates the bore can also be used to install the implant into the bore. See specification, page 2.

None of the cited references disclose creating a bore in living bone tissue. Garfinkel discloses spoon-shaped curettes that scrape the diseased bone tissue; it teaches nothing about creating a bore into which an implant is installed. How could Garfinkel's tool 14 as shown in FIG. 1 or FIG. 4A ever be used to create a bore in living bone? It is specifically designed to have this spoon shape (column 2, lines 35-37) and its angled configuration allows for the ease of scraping the bone surface. It is specifically designed to remove "granulated tissue" from surrounding bone tissue (column 1, line 16), and cautions against sharp edges that may gouge or cut softer bone tissue (column 3, line 40). It does not teach anywhere that bone tissue should be operated upon to create a bore into which an implant is to be installed.

Like Garfinkel, Idemoto discloses spoon-shaped curettes (column 3, line 20) that scrape the bone tissue; it teaches nothing about creating a bore into which an implant is installed. The tools of FIGS. 2 and 5 could never be used to create an elongated bore into which an implant is inserted. Even if the leading edge 7 were a cutting edge, it would only cut in a direction parallel to its lower angled surface. That being the case, how could that same edge 7 cut downward to create a bore in living tissue where the bore is dimensioned to receive an implant? Considering the movement of this edge 7 (assuming it were a cutting edge), the lower rounded surface below the edge 7 would be pounding (not cutting) the bone surface. It does not teach anywhere that bone tissue should be operated upon to create a bore into which an implant is to be installed. In short, Idemoto fails as an anticipatory reference, and cannot be used to render obvious the present

invention, unless it were modified to a point where it would be unsatisfactory for its intended purpose (*i.e.*, bone scraping).

Hahn also fails as a prior art reference for the pending claims. The Office Action cites FIGS. 1 and 13 of Hahn as teaching the invention. FIG. 13 simply shows bone material adjacent to a tooth being removed by a tool. It is not creating a bore into which any dental implant (much less a screw-type dental implant) is to be inserted. The Office Action also suggests at paragraph 6 that items 88 and 92 are “dental implants.” Items 88 and 92 are simple “fillings” placed into a cavity of an existing tooth (column 15, lines 34-35). The Office Action also suggests at paragraph 6 that items 88 and 92 “can extend into bone bores.” What teaching in Hahn or elsewhere suggests that the fillings 88 and 92 can be fitted into and integrated with bone tissue? It makes no sense that a skilled artisan would select any of the tools of Hahn, create a bore in living bone, and then add the filling 88 and 92 to the living bone.

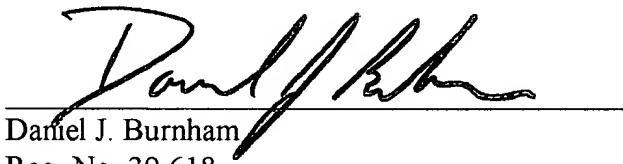
While the Applicant understands the requirement for the Examiner to give the claims their “broadest reasonable construction” and apply the prior art, the Applicant respectfully suggests that the Examiner is reading far too much into these prior art references in attempting to arrive at the claimed invention. In doing so, the Examiner appears to have used hindsight in that the present specification is being used as a “blue print” for the Examiner to recreate the present invention by using selective bits and pieces of the prior art. None of these prior art references is close to teaching the present invention and the Applicant respectfully requests the Examiner to reconsider the rejections, especially in view of the amendments made to many of the claims.

**Conclusion**

It is the Applicant's belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

  
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Date: December 29, 2003